

### **AMENDMENTS TO THE DRAWINGS**

Please replace Figures 1 through 8 (all Figures as originally submitted) with the nine enclosed clean drawing sheets (eight replacement sheets and one new sheet so labeled) that include amendments addressing the Examiner's objections.

Figures 1 and 3-8 are amended only to the extent that the drawing page numbers are changed. Figures 2 and 2a are amended to illustrate the claimed conduit 8. Figure 2b is added to illustrate the claimed ornamentation and functionality features.

## **REMARKS**

**Specification.** The Examiner pointed out specification deficiencies. Applicant has amended the specification for clarification. No new matter is added.

**Drawings.** The Examiner objected to the drawings. Applicant has amended the drawings and submits eight replacement drawings and one new drawing in compliance with 37 CFR §§1.84 and 1.121.

**Claims.** The Examiner pointed out four claim deficiencies. Applicant has amended claim 1 and withdrawn claims 4 and 5 for clarification. Applicant has withdrawn claim 10 because of redundancy; a system with conduit in a first member, as in claim 9, by definition has conduit in a second member. Applicant has amended claim 11 for positive recitation, and added narrowing claim 13. No new matter is added.

**Rejections.** The Examiner rejected claims 1-12 as being anticipated by Lew (US 4652170). The Examiner misconstrued Lew's invention as a system for partitioning space. Office Action, paragraph 14. Lew makes no mention of partitioning space; his invention is limited by his specification to a set of hardware for assembling boards into an article of furniture. Lew, column 1, lines 31-36; column 1, lines 43-46.

The Examiner rejected claims 1 and 5 as being anticipated by Lew. The 35 USC §102 rejection is not appropriate because Lew does not claim or describe Applicant's invention. Applicant has amended the specification, drawings, and claim 1 to more clearly differentiate between "first member" and "second member." Applicant claims a plurality of first members such as members 1, 4, 2, and 5, some of which are interlocked with each other, for example to form second member 900 in which panel 1000 is captured. Lew is limited to one or more second members interlocked to a single first member, where a board can be attached to each of the second members.

The distinction is critical as well as differentiating. Applicant's system of multiple first members assembled into a second member permits the user to capture and secure a panel that has no special edge treatment. In contrast, Lew's system of one first member and one second member

requires that each board that is to be made part of the furniture have a special built in edge piece (the second member, i.e. feature 2 of Lew's Figure 1; feature 36 of Figure 8; feature 64 of Figure 16; and feature 84 of Figure 21). For example, Lew describes one second member as "a retaining slide rail 2 affixed to one extremity [of a board]." Lew, column 3, lines 4-6. Lew describes another second member as "a dove-tail shaped retaining slide rail 84 affixed to one extremity [of a board]." Lew, column 6, lines 24-26.

By precluding the need for special built in edge pieces on each panel, Applicant's invention makes possible the interchangeability of panels from various and commonly available sources. Plain glass panels from one source can be replaced with plywood from another source without any special edge treatment of the glass or plywood.

Furthermore, Lew's system makes it impossible to change panels in certain situations. If, instead of being used on a piece of furniture, Lew's system were installed to partition a space between two walls, the panel (or board) could not be replaced without removing Lew's entire system because his second member, with the affixed panel, must be slid lengthwise out of the retaining slide groove (feature 10 of Lew's Figure 2) in his first member. In contrast, Applicant's system makes panel replacement easy. For example, it can be seen in Applicant's Figure 2b that panel 1000 can be removed and replaced by removal of member 5 without affecting any of the other members.

The Examiner rejected claim 2 as being anticipated by Lew as seen in his Figure 19. However, Lew's Figure 19 shows two second members, each affixed to a board. Thus two boards are attached to a first member. Conversely, Applicant's claim 2 describes two second members, such as member 900 in Figure 2b, each attached to a different edge of a single panel.

Regarding claim 3, the joint is not claimed, its manner of use is claimed. Lew uses it between a first and a second member for securing a board to a connector bar. Applicant uses it between certain first members to form an intermediate member to which other first members are attached in order to capture and secure a removable panel.

Applicant has withdrawn claim 4, 5, and 10.

Regarding claim 6, Lew provides filler bars such as feature 81 in Figure 20. The filler bars close and hide unused slide grooves such as feature 69 in Figure 17, but Lew does not describe the

bars as ornamentation. Even if the filler bars are construed as ornamental, Lew nowhere describes or claims ornamentation on either end of either his first or second members as is claimed in Applicant's claim 6. Applicant's Figure 2b illustrates end ornamentation that Lew fails to address.


Regarding claim 7, in new amended paragraph [15.1] Applicant has defined "functional" as "useful beyond mere assembly." Lew's locking plug is functional only in that it performs one aspect of assembly.

Regarding claims 8 and 9, Applicant has amended the specification to include a definition of "conduit" in new paragraph [15.1] that eliminates the open grooves that Lew requires in his boards for attachment of his retaining slide rails (second members), and the open slide grooves in Lew's connector bars (first members).

Regarding claims 11 and 12, the Examiner erred in stating that "two separate first members (A) form a mortise (87)...." Office Action paragraph 23. Lew's mortise is not comprised of two pieces; it is a single extruded member 85 that has four slide grooves, one of which is feature 87. Lew, column 6, lines 27-30. Lew must assemble his system by sliding male dovetail tenon 84, with its affixed board, lengthwise into female dovetail mortise 87 that is one feature of his connector bar 85. See Lew, Figures 21 and 22. Applicant describes and claims a mortise that is indeed comprised of two separate members that, when pushed together, capture a tenon. It is this feature of a break-apart mortise that enables the convenient panel interchangeability of Applicant's system. Lew's system lacks such interchangeability.

Request. Applicant respectfully requests reconsideration and placement of all specifications, drawings, and claims as amended in condition for allowance. If the Examiner believes a telephone conference would be helpful to allowance, a telephone conference is respectfully requested.

Respectfully submitted,

  
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